



EMMA S. BARRIENTOS MEXICAN AMERICAN CULTURAL CENTER

ADVISORY BOARD MINUTES

**REGULAR MEETING
Wednesday, August 6, 2014**

The Emma S. Barrientos Mexican American Cultural Center Advisory Board convened in a regular meeting at 600 River Street, in Austin, Texas.

Board Members in Attendance:

Juan Oyervides, Chair
Veronica Forsyth, Member – Left at 7:10pm
Anna Maciel, Member – Arrived at 6:45pm
Kathryn McMahon, Member
Velia Sanchez-Ruiz, Member
Blanca Valencia, Member

Board Members Absent: 1

David Carroll, Co-Chair

Staff in Attendance:

Laura Esparza, HAND Manager
Tiffany Moreno, ESB-MACC Education Coordinator
Kelly Grajeda, ESB-MACC Administrative Assistant

- 1. Call to Order:** Chair Oyervides called the Board Meeting to order at 5:35pm.
- 2. Approval of Minutes:**
 - a. Motion to approve the minutes from the Board meeting held on 7/2/14 by Member McMahon with a second from Member Forsyth. The motion passed unanimously with the following amendments: to change Item 10(b)(ii) to read: “She does not want the house on 64 Rainey because it is not appropriate to the architecture of the ESB-MACC facility.”; and to replace “Resolution” with “RSHD Ordinance” under Item 10(c)(iv)(1). (5.0) + Chair Oyervides, and Members Forsyth, McMahon, Sanchez-Ruiz, and Valencia. Co-Chair Carroll was absent, and Member Maciel arrived after the vote.
- 3. Citizen Communication:**
 - a. Matt Ford from Solstice informed the Board of an upcoming music festival his group would like to have at the ESB-MACC on June 21, 2015. Laura Esparza suggested Ford contact ESB-MACC staff to discuss potential options.
- 4. Presentations:**
 - a. David Smythe-Macaulay, Project Manager for Public Works, presented on CIP projects and budget. He stated that revisions to the landscape improvements plan for the overflow parking lot are currently in progress for approval. The Street and Bridge Division of Public Works agreed to do the construction, and the start date will be in January. Smythe-Macaulay will share the price and exact start date with the Board.
 - b. Ricardo Soliz, Division Manager for Park Planning, Design, and Construction, presented on ESB-MACC dedicated parkland boundaries with Nick Goodling from the City Attorney’s Office. Soliz went over the history of the ESB-MACC property since 1989 and how PARD has historically managed most of the City-owned cultural facilities.
 - i. Member Forsyth inquired how many phases are in the master plan of the ESB-MACC as well as the timeline and budget. Soliz responded that there are 3 phases, and the timeline depends on funding on future bonds. Cora Wright, PARD Assistant Director,

responded that some progress has been made, and perhaps it is time to revisit the master plan.

- ii. Soliz stated that the ESB-MACC does not sit on dedicated parkland and spoke on the five ways parkland dedication can occur and the benefits and protection of dedicated parkland.
 - 1. Nick Goodling, Assistant City Attorney, also outlined Article VII of the City Charter that states no lease/sale of dedicated parkland can occur without an election of qualified voters. Similarly, Chapter 26 of the Texas Parks and Wildlife Code offers broader protection to the extent there is an existing park or recreation use, a public hearing must occur before changing that use and it must be determined there are no reasonable and prudent alternatives to that action and all actions have been done to mitigate damage.
- iii. Chair Oyervides asked Jane Rivera, Parks Board Chair, whether she considered the ESB-MACC “recreational” under the PARD umbrella. She responded that it could be argued that it is because of its cultural and artistic expression, preservation, etc., and could fall under several different categories.
 - 1. Member Valencia asked Goodling how he would define recreational use. Goodling responded that it has not been defined in any legal cases, but the ESB-MACC does use connected trails and park spaces. It is harder to say the physical structure has a recreational use.
 - 2. Chair Oyervides stated that a recreational definition of the ESB-MACC would move away from defining the ESB-MACC as a cultural center. Jane Rivera said she would not be able to argue that the ESB-MACC is a recreation center, but the activities that take place at the ESB-MACC could include some that are considered recreational.
 - 3. Member McMahon thought the word “recreation” was being limited if only thought of as a place where some could play basketball or similar activities.
 - a. Member Valencia said the ESB-MACC could be the organization that expands the definition of recreation. Cora Wright said PARD encompasses active and passive recreation and leisure.
 - i. Chair Oyervides generally agrees with Wright’s statement but would prefer to see the Center as cultural.
 - 4. Member Sanchez-Ruiz feels the word “recreation” does not fit the ESB-MACC, as the ESB-MACC is a place where people choose to express their culture and language through the arts. It is rather artistic expression of identity.
- iv. Member Forsyth referred to Goodling’s statement that the ESB-MACC does not sit on dedicated parkland. Goodling responded that the portion by Lady Bird Lake is dedicated parkland, but the site the structure and parking lot sit on is historically Public Works property.
 - 1. Member Forsyth asked if the property could potentially be sold if one goes through the correct process. Goodling responded that the site could potentially be sold. He then explained the concept of parkland dedication by implication, that there must be an unequivocal intention on the part of the municipality to devote the property to public use and that must be accepted by the public. He said that if the Board wants a clearly defined protection for the property, an expressed dedication is the way to go.
 - 2. Goodling also explained that when the structure was constructed, there was a mortgage placed on the property through a grant from the Economic Development Administration (EDA) which preserves the use of the land for the purpose of the award and is in place for another 11 years. The City owns

the property, but the mortgage is in favor of the EDA, so it serves as another layer of protection. To get it dedicated, the mortgage would need to be carved out.

- v. Member Valencia asked what the limitations are in making the ESB-MACC property dedicated parkland. Goodling stated the main limitations would fall under the charter provisions such as selling, leasing, conveying, alienating, etc.
- vi. Chair Oyervides asked if there is an extant document that documents the lease or the right to the property. Goodling responded that the City would have the original deed, the ordinances tied to the funding of the construction, and the bond documents, but there would not be anything in Real Estate records that the property is for ESB-MACC purposes.
- vii. Chair Oyervides asked what the next steps are to get an expressed dedication. Soliz responded that staff could initiate a dedication and would be supportive of moving forward with that. It is a matter of getting it on the Council agenda.
 - 1. Chair Oyervides asked if the dedication would also include the 64 Rainey lot.
 - 2. Junie Plummer, Office of Real Estate Services, said 64 Rainey is not dedicated parkland and is considered part of City assets. It is not for sale at this time.
 - 3. Chair Oyervides asked how the ESB-MACC can acquire 64 Rainey. Cora Wright stated that because 64 Rainey does not fall under the auspices of PARD, and there has been no official action from Council to deem it as such, it falls under the jurisdiction of Real Estate Services, and staff would be happy to share interests with that Department. She also said it may be more impactful if the Board expresses interest in that property. There can be an informal conversation between PARD and Public Works to discuss 64 Rainey.
- viii. Chair Oyervides also asked what the restrictions are going forward if the ESB-MACC is dedicated parkland, specifically concerning nonprofits generating revenue on the property. Goodling responded that the dedication speaks to what you can do physically to the land. Wright responded that PARD has contractual agreements with nonprofits on other parkland sites and it is not a limitation. PARD wants to make sure the relationships it enters into benefit the ESB-MACC.
- ix. A citizen in attendance stated he wants to see flexibility in finding other ways to get funding to complete the master plan. He suggested the Board consider commercial ventures to generate revenue.
 - 1. Chair Oyervides asked if there are limitations to receiving monetary donations if dedicated parkland. Soliz responded that there are no limitations if it is not a commercial entity, and the Board should also consider parks curfew of 10pm.
 - 2. Member Maciel asked why the ESB-MACC cannot receive bed tax money like the Convention Center. Chair Oyervides responded that bed tax is for the Economic Development Department.
- x. Member Forsyth left the dais at 7:10pm.

BOARD ITEMS FOR DISCUSSION AND/OR ACTION

5. Recommendation to City Council for transfer request of Emma S. Barrientos Mexican American Cultural Center to an alternate host City Department. (Oyervides, Maciel)

- a. Chair Oyervides cited a 2009 feasibility study by the City Auditor's Office of creating a single department of art and culture or two departments of music and art/culture. Because the Board was displeased with PARD services and support at the 7/2/14 meeting, he wanted to start the discussion of transferring Departments. He feels confident the Board can partner

